

REMARKS

Claims 12-20 and 22 are pending. Claim 21 is canceled.

Claims 12-20 and 22 were rejected under 35 U.S.C 103(a) as being unpatentable over Tonyali et al. in view of Phillippi and Steoppelmann.

Claim 12 is directed to a coiled air brake tubing including a laminated tube. The laminated tube has an innermost layer of nylon, an outermost layer of nylon, an intermediate layer of a polyurethane and a fiber reinforcing layer in contact with the intermediate layer. The tubing is set in a coiled configuration and the polyurethane has a hardness of 80A-63D.

Tonyali et al. disclose an air brake tubing having nylon innermost and outermost layers and polyethylene intermediate layers. The PTO has previously argued that it would have been obvious, in view of Stoeppelmann, to modify Tonyali et al. by using polyester polyurethane as the intermediate layer with an inherent hardness. However, Applicants respectfully disagree.

Polyurethane does not necessarily, and thus does not inherently have a hardness within the presently claimed range. To establish inherency, the extrinsic evidence must make clear that the missing descriptive material is necessarily present in the polyurethane described in the reference. In the context of polyurethane, hardness is a function of several parameters, including the particular chemical species, additives, and processing parameters. Due to absence of disclosure of processing parameters and additives, one cannot conclude that the disclosed polyurethane of the cited art necessarily has a hardness within the presently claimed range. While such additives, species, and processing parameters are generally understood in the art to effect certain hardness values, the art nevertheless fails to teach or suggest such additives or parameters, or otherwise manipulation of hardness even generally. Further, neither Tonyali et al. nor Steoppelmann teach or remotely suggest a polyurethane having hardness in the presently claimed range.

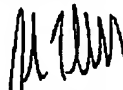
Still further, the references fail to disclose or suggest modification of the disclosed polyurethane to have a hardness within the claimed range of 80A-63D. In this respect, Applicants have discovered that a polyurethane layer, having the claimed hardness within the context of an air brake tubing provides particularly desirable flexibility, fatigue resistance, and cold temperature resistance. It is not Applicants' contention that the claimed hardness range associated with polyurethane is itself novel; rather the art does not teach or suggest an intermediate polyurethane layer having a hardness of 80A-63D *in the context of a coiled air brake tubing*.

Therefore, for at least the foregoing reasons, Applicants respectfully submit that claims 1-20 and 22 are patentable over Tonyali et al. in view of Phillippi and Steoppelmann. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103 rejections are respectfully requested.

Applicants respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims. Should the Examiner deem that any further action by the Applicants would be desirable for placing this application in even better condition for issue, the Examiner is requested to telephone the Applicants' representative at the number below.

Applicants do not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,



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